



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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**NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION PROVIDES
INFORMATION CONCERNING EXECUTIVE BRANCH RECOMMENDATIONS FOR
WAIVER OF PART 25 RULES CONCERNING LICENSING OF RECEIVE-ONLY EARTH
STATIONS OPERATING WITH NON-U.S. RADIONAVIGATION SATELLITES**

The Federal Communications Commission's (FCC) rules require licensing of non-Federal receive-only equipment operating with foreign satellite systems, including receive-only earth stations operating with non-U.S. licensed radionavigation-satellite service (RNSS) satellites.¹

By letter of March 2, 2011, to the Chief of the FCC Office of Engineering and Technology, the National Telecommunications and Information Administration, on behalf of the Executive Branch, outlined the criteria it will apply in considering whether to recommend waiver of the FCC rules. A copy of the NTIA letter is attached. The letter contemplates that NTIA will submit any recommendation for waiver to the FCC, and that the FCC would then review the request for compatibility with non-Federal U.S.-licensed systems.

Any such recommendation will be assigned an "SES-MSC" file number in the International Bureau Filing System (IBFS). A public notice providing an opportunity for comment will also be issued prior to action on the request. A general description of public notice procedures for IBFS files is available at Section 25.151 of the Commission's Rules, 47 C.F.R. § 25.151.

The FCC will also continue to accept requests filed through previously established licensing and waiver procedures.²

For further information, contact Karl Kensinger, Satellite Division, International Bureau, at (202) 418-0773; or Ronald Repasi, Office of Engineering and Technology, (202) 418-2470.

Attachment

- FCC -

¹ See 47 CFR §§ 25.131(j)(1), 25.137.

² See, e.g., IBFS File No. SES-MSC-20100415-00483.



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

MAR 2 2011

Mr. Julius Knapp
Chief
Office of Engineering and Technology
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Mr. Knapp:

The Federal Communications Commission's (FCC) rules require licensing of non-Federal receive-only equipment operating with foreign satellite systems, including receive-only earth stations operating with non-U.S. licensed radionavigation-satellite service (RNSS) satellites.¹ Due to the particular circumstances associated with this service, the National Telecommunications and Information Administration (NTIA) intends to recommend, on a case-by-case basis, that the FCC grant waivers of this requirement for receive-only equipment processing certain RNSS signals offered by foreign satellite systems providing RNSS.

Upon receipt of a request from a foreign government implementing a RNSS system² in compliance with applicable rules and procedures established by the International Telecommunication Union (ITU),³ NTIA will consider recommending that the FCC grant a waiver of its licensing requirement if the NTIA determines, in consultation with other relevant Executive Branch agencies, that:

- granting the waiver is in the public interest;
- the system complies with United Nations Space Debris Mitigation guidelines;
- the grant of a waiver is consistent with U.S. international trade and other treaty obligations;
- the waiver request is limited to receive-only RNSS (which includes positioning⁴) and standard time and frequency satellite services; and

¹ See 47 CFR §25.131(j)(1), 25.137.

² NTIA expects that this request will be as a result of a bilateral consultation led by the Department of State with the foreign administration.

³ Geostationary satellites (GSO) are subject to advance publication, coordination and notification rules and procedures in the ITU. Non-GSO satellites have only been subject to ITU coordination rules and procedures since January 1, 2005, but have always been subject to ITU advance publication and notification rules and procedures. During its review of FCC licensing of receive-only earth stations operating with non-U.S. licensed RNSS systems, the Executive Branch intends to apply the policy articulated in this letter uniformly to all GSO and non-GSO satellite systems complying with such ITU rules and procedures.

⁴ See ITU Radio Regulations Nos. 1.9 and 1.10 and NTIA Manual Chapter 6.

- operation of the RNSS signals offered by the foreign RNSS system has been found compatible with U.S. government systems operating in the specified RNSS frequency bands.⁵

In determining whether to recommend a waiver based on these criteria, NTIA will adhere to the principles set forth in DISCO II.⁶

NTIA intends to submit to the FCC a separate waiver request for receive-only equipment processing specific RNSS signals for each foreign RNSS system that meets the above criteria. If during the FCC's notice and comment process with respect to any such waiver request, non-Federal stakeholders raise significant concerns, please inform NTIA. To inform the public of NTIA's intent, I also request that this letter be placed on public notice. The NTIA contact point on these issues will be Edward Davison. He can be reached at (202) 482-5526. Please feel free to contact me if you have any questions.

Sincerely,



Karl B. Nebbia
Associate Administrator
Office of Spectrum Management

⁵ NTIA anticipates that the FCC, prior to deciding whether to grant the waiver, will conduct its own review to confirm that the specific RNSS signals offered by the foreign RNSS system are compatible with non-Federal U.S.-licensed systems operating in the frequency bands specified in the waiver request.

⁶ Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Satellites Providing Domestic and International Service in the United States, Report and Order, IB Docket No. 96-111, 12 F.C.C. Rcd. 24094 (1997) ("DISCO II").